

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BANK OF COMMERCE, DUNCAN, OKLAHOMA,)	Case No. 4:11-cv-3169
)	
Plaintiff,)	MOTION FOR
vs.)	SUMMARY JUDGMENT
)	
KATHLEEN M. CHENAULT, SUCCESSOR TRUSTEE OF THE JAMES M. CHENAULT TRUST; KATHLEEN M. CHENAULT, PERSONAL REPRESENTATIVE OF THE ESTATE OF JAMES M. CHENAULT, DECEASED; KATHLEEN M. CHENAULT, SUCCESSOR TRUSTEE OF THE DONNA J. CHENAULT TRUST; KATHLEEN M. CHENAULT, SUCCESSOR TRUSTEE OF THE MARJORIE M. CASH REVOCABLE TRUST;)	
)	
Defendants.)	

COMES NOW the plaintiff and pursuant to Fed.Civ.Pro. Rule 56 moves the Court for summary judgment as follows:

1. For judgment on its first claim for relief against the defendant Kathleen M. Chenault as Personal Representative of the Estate James M. Chenault in the amount of \$359,181.80 together with interest at the rate of 13.5% or \$134.69 per diem from January 5, 2012 to the date of judgment and costs as allowed by law.

2. For a declaratory judgment on its second claim for relief against the defendant Kathleen M. Chenault as Successor Trustee for the Estate of James M. Chenault Trust declaring that, to the extent the assets of the Estate of James M. Chenault are insufficient to satisfy the judgment rendered against the Personal

Representative herein, that the assets of the James M. Chenault Trust are liable for any unpaid balance together with interest and costs as allowed by law.

BANK OF COMMERCE, DUNCAN, OKLAHOMA,
Plaintiff

By: Terry R. Wittler - #15584
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By: /s/ Terry R. Wittler
Terry R. Wittler - #15584

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties who have entered an appearance in this case.

/s/ Terry R. Wittler
Terry R. Wittler

ND: 4811-4718-6446, v. 1